



## **STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

**CASE FILE:** LU 13-211599 DZM  
PC # 13-169941  
Lower Burnside Lofts

**REVIEW BY:** Design Commission

**WHEN:** January 23, 2014, at 1:30 p.m.

**WHERE:** 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

**BDS Staff:** Dave Skilton 503-823-0660  
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### **GENERAL INFORMATION**

**Applicant:** Randy Boehm  
Urban Resources Inc.  
3707 NE 24th Avenue  
Portland, OR 97212

Tim O'Brien  
Lower Burnside Lofts LLC  
1028 SE Water Avenue Suite 270  
Portland, OR 97214

**Representative:** John Maier 503-228-0311  
Vallaster Corl Architects  
711 SW Alder Street Penthouse  
Portland, OR 97205

**Site Address:** 30 SE 10<sup>th</sup> Avenue

**Legal Description:** BLOCK 226 LOT 3&4, EAST PORTLAND

**Tax Account No.:** R226514640

**State ID No.:** 1N1E35CD 01200

**Quarter Section:** 3031

**Neighborhood:** Buckman, contact Matthew Kirkpatrick at 503-236-6350.

**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-1415.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**Plan District:** Central City - Central Eastside

**Zoning:** EXd, Central Employment with Design Overlay

**Case Type:** DZM, Design Review with Modifications

**Procedure:** Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

**Proposal:** The applicant is seeking Design Review approval for a new six story mixed-use building, with ground floor retail, lobby, and parking areas; and five floors of rental housing above. Modifications are sought to loading, parking, and ground floor window standards; as is an exception for oriel window width. Design Review is required because the site is within the Central City Plan District – Central Eastside Subarea, and has Design Overlay zoning.

**Modifications:** The applicant is seeking modification of the following four Zoning Code standards:

1. 33.266.310 C 1 a, for non-standard loading area;
2. 33.266.130 F 1 a, for parking area where moving a vehicle to allow exiting may be required, and part of drive aisle may sometimes be obstructed;
3. 33.266.130 F 2, for some parking spaces narrowed by building columns; and
4. 33.140.230, for less than standard ground floor windows on one facade.

**Exception:** The applicant is seeking an exception to section F. Width of the building code guide Window Projection into Public Right-of-Way (IBC/32/#1) - Standards for windows allowed to project into public right-of-way. The request is for an oriel window projecting into the SE 10<sup>th</sup> Avenue right-of-way that exceeds the standard maximum width of 12'-0" width by 5'-2". Exceptions are allowed in Design Review.

**Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in the Zoning Code (Title 33 of the Portland City Code). The approval criteria are:

- Central City Fundamental Design Guidelines – Central Eastside Subarea
- 33.825.040 Modifications That Will Better Meet Design Review Requirements

## ANALYSIS

**Site and Vicinity:** The site is a 100' by 100' quarter block lot, currently occupied by a low, single story building and an eighteen stall parking lot. It is located in an area of the Central Eastside subdistrict of the Central City Plan Area that has experienced significant redevelopment in recent years. Historically the east bank of the Willamette River was occupied by two smaller incorporated cities, Albina and East Portland. Following the arrival of the railroad on the east side of the river in 1871, the value of property there increased and intense urban development ensued. The subject property was in the City of East Portland which had a plat pattern similar to downtown Portland's. In 1891 Albina and East Portland consolidated with the City of Portland.

The site occupies the southwesterly quarter of the block bounded by E Burnside Street, SE 10<sup>th</sup> Avenue, SE Ankeny Street, and SE 11<sup>th</sup> Avenue, and slopes moderately down toward the west. With the exception of a 50' x 100' parking lot to the east, the rest of the block is developed with zero-lot-line, one and two story buildings. E Burnside Street and nearby SE Sandy Boulevard are transit and regional main streets with frequent bus service, and SE Ankeny Street is a heavily used City Bikeway. The built character in the vicinity is a mix of development from the late Nineteenth through the middle Twentieth Centuries. It is generally utilitarian and low rise, not cohesive in character, and until recent years it did not include much housing. Even at six stories, the proposed building will be among the taller structures in the general area.

**Zoning:** The EX zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** Records indicate the following prior land use reviews for this site:

- LU 08-110831 DZM for a single story addition and modification of ground floor window requirements.

**Public Notice:** A “Notice of proposal in Your Neighborhood” was mailed on December 27, 2013.

**Bureau Responses:** The following agencies have responded, but have not raised issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation
- Water Bureau
- Site Development Review Section of the Bureau of Environmental Services

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### (1) Design Review (33.825)

#### 33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

#### 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is

to aid project designers in understanding the principal expectations of the city concerning urban design. The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed. The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

**Findings:** The site is designated with Design Overlay zoning (d) and the proposal is for non-exempt new construction and four modifications. Therefore the proposal requires Design Review approval. The approval criteria are *Central City Fundamental Design Guidelines – Central Eastside Subarea* and 33.825.040 *-Modifications That Will Better Meet Design Review Requirements.*

### **Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11<sup>th</sup> and 12<sup>th</sup> Avenues.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

#### **Central Eastside Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods. Enhance the safety, convenience, pleasure, and comfort of pedestrians.

#### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;

2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

**A1. Integrate the River.** Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop access-ways for pedestrians that provide connections to the Willamette River and greenway.

**Findings:** Although the site for the proposed building is approximately half a mile east of the Willamette River, at six stories in height vistas from its street facing upper floor windows will certainly provide a sense of the river's presence if not actual views of the water. The open common outdoor area on the sixth floor will also be oriented west toward the river. *This guideline is met.*

**A3. Respect the Portland Block Structures.** Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblock exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

**Findings:** The proposal is for redevelopment of an existing quarter block site, and as such respects the platted pattern of the area. *This guideline is met.*

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**A5-2. Acknowledge the Sandy River Wagon Road (Sandy Boulevard).** Acknowledge the historical significance of the Sandy River Wagon Road (Sandy Boulevard) from East Burnside to 7<sup>th</sup> Avenue with an upgrade of the public right-of-way to be more pedestrian accommodating and which is related to its historical context. New development located adjacent to this diagonal alignment also should acknowledge the historical significance in a creative way that is attractive, informative, and appropriate.

**Findings for A4, A5, and A5-2:** Although the proposed facade compositions feature prominent and complex combinations of variously sized and vertically misaligned windows, there are enough regularly-spaced, continuous, column-like elements to subtly suggest the pattern of a traditional bay system. The fact that the design includes a distinct commercial base and a texturally differentiated,

consistent "cornice" treatment will further help it to fit into its mixed community of older buildings. The metal panel facade material is generously carried around the corners onto the party walls and neatly terminated in recesses, a treatment with considerable precedent that, in addition to respecting contextual character, breaks up what would otherwise be large and featureless wall surfaces. The site is close to but does not abut Sandy Boulevard and the proposed development hence properly responds to the compass oriented plat of East Portland rather than to the historic diagonal Sandy River Road alignment. *These guidelines are met.*

**A5-3. Plan for or Incorporate Underground Utility Service.** Plan for or Incorporate Underground Utility Service to development projects.

**A5-4. Incorporate Works of Art.** Incorporate works of art into development projects.

**Findings for A5-3 and A5-4:** The proposed design will place all utilities underground, and while it does not include distinct art installations as such, it will meet the intent of providing visual interest through the use of strong color and textural contrasts between the body of the building and the various recessed and protruding facade elements. *These guidelines are met.*

**A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**Findings for A7 and A8:** With the exception of areas stepped back from the sidewalk at the main entrance and the garage, and along the retail frontage facing SE Ankeny Street, the footprint of the proposed building will occupy the entire 10,000 square foot site. In all cases these recessed areas are overhung by the upper floors which come out to the property line, providing two strong street edges. At the residential entry and the garage door, both facing SE 10<sup>th</sup> Avenue this treatment provides space where people on foot can encounter one another and vehicles safely and graciously. In addition to the doorways, the storefronts of the smaller retail spaces along SE Ankeny are also recessed, with the bulkheads replaced by low poured-in-place concrete planters. The south-facing location should contribute to excellent growing conditions and the plantings will provide a softening layer of greenery adjoining but outside of the public right-of-way. In combination these design features provide an excellent balance between urban enclosure and pedestrian friendliness. *These guidelines are met.*

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**B4. Provide Stopping and Viewing Places.** Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

**B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

**B6-1. Provide Pedestrian Rain Protection.** Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

**Findings for B1, B2, B4, B6, and B6-1:** With the exception of a single proposed oriel, which is addressed below, the proposal employs approved standard treatments in the public right-of-way, including street trees and planted tree wells. It also enhances the sidewalks by providing generous recessed walking surfaces along adjacent private property at all entries and at the corner, as well as raised planters below the storefronts along the south edge of the building. This approach introduces welcome variety and softer texture to the pedestrian environment.

In addition to the overhanging upper floors, projecting metal canopies protect each door, and a deeper canopy wrapping the corner serves both the residential entry and the door to the largest retail space. The undersides of canopies will be brightly painted and lit with regularly spaced, recessed, and baffled fluorescent fixtures, and the undersides of other overhangs include recessed down-lights to emphasize entries at night. While these treatments are all straightforward and commonplace, in combination they result in a zone that will feel comfortable and safe both during the day and at night. *These guidelines are met.*

**C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

**Findings:** Although future development may encroach on the views that the proposed building will provide for its occupants, for the time being it will be among the tallest structures in its vicinity, and that will afford desirable views to the river, downtown, and the west hills. The design responds appropriately to this opportunity with generous windows and a west-facing common outdoor area at the sixth floor. *This guideline is met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings:** The primarily residential use proposed for this building represents a departure from the light manufacturing, automotive, building trade, wholesale, retail, and warehousing operations that have historically and are currently dominating the vicinity, and the choice of cast-in-place concrete as a principle ground floor material responds well to the utilitarian quality of the surrounding neighborhood. Detailing the largest panels with a vertical rib pattern will add interest and should discourage graffiti. The folded metal and cement fiber panel systems proposed for the upper floors are also durable, well-detailed, and in

keeping with the character of the area. *This guideline is met.*

**C1-1. Integrate Parking.**

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** Although onsite parking is not required with redevelopment of this site, the proposal retains approximately the same number of stalls as are currently on the property. However, rather than a surface lot as currently exists, the proposal is for a garage accessed from SE 10<sup>th</sup> Avenue toward mid-block. This approach will not only improve the appearance of the site but will also allow for an interior although non-standard loading bay. It is mitigated by limited hours of use (10 a.m. to 2 p.m.) outside the most active hours of vehicular movement, and the second aisle will be available. The small size of the parking area, with only seventeen automobile stalls, will also justify this loading treatment and the slight intrusion of building columns into the standard widths toward the rear of the parking stalls will not hamper maneuvering. As proposed, the parking garage layout requires three modifications, see 1, 2, and 3, below.

In addition to vehicle parking the proposal includes 102 long term, secure, bicycle parking spaces which can be accessed via the garage entry or the lobby. The garage entrance works well with the proposed building and with its neighbors because it: occurs near mid-block; is recessed and wide enough to allow for good eye-to-eye contact between pedestrians and drivers; integrates an exit stair and the electrical and trash rooms; and is made of painted, perforated steel, an attractive, durable, and semi-transparent material. *This guideline is met.*

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings:** The palette of exterior materials is comprised of five major elements with texture and color variations: vertical box-ribbed metal panel; fiber cement panel; cast-in-place concrete; aluminum framed storefront; and vinyl residential windows and doors. Painted steel panel, both perforated and solid, is used as an accent material at strategic locations. These materials are used in a fairly traditional manner based on location and the public visibility of the associated facade. The ground floor treatment creates a distinct building base with a mix of glazing and concrete; the street facing upper floors and partial end wall returns employ the box-ribbed metal panels and vinyl windows; and the less prominent party and light well walls are mostly clad with two colors of the fiber cement panel. The accenting steel (with some fiber cement panel), painted orange, is reserved for three exceptional locations: the integrated oriel and recessed sixth floor patio facing SE 10<sup>th</sup>; the seven balconies facing SE Ankeny; and the three narrow recesses that run from the second floor to the roof on the south, east, and north facades. The painted perforated steel panel occurs at the garage door, the oriel, and the balconies facing SE Ankeny Street. The building is large enough to support this variety of materials because they are deployed in a manner clearly derived from the massing diagram. *This guideline is met.*

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building



corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**Findings:** At the southwest corner of the building, adjoining the intersection of SE 10<sup>th</sup> and Ankeny the ground flood reaches its greatest height because it is at the lowest adjacent grade. This condition, in combination with the recessed ground floor wall, the glazed tenant space, the residential entry, and the canopy wrapping the building corner, concentrates activity where it can be shared by both facades and experienced by all passers-by. *This guideline is met.*

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**Findings for C8 and C-9:** The proposed ground floor is approximately two-thirds glazed storefront balanced by a more solid treatment at the garage entry facing SE 10<sup>th</sup> Avenue. By grouping those elements which require either screening or opacity and locating them on the west facade toward the middle of the block, the design takes best advantage of daylighting opportunities along the south edge of the building. Generous glazing, transoms, canopies, and recessed ground floor storefronts also combine to take advantage of favorable orientation and create very desirable ground floor tenant spaces along SE Ankeny Street. The floor levels in these spaces will vary because of grade change, but there should be opportunities to combine them flexibly. The pedestrian's experience along SE 10<sup>th</sup> Avenue will not be disadvantaged by the lack of windows on the northerly half of the facade because textured materials and a recessed, partially transparent door will provide interest and support safe interactions with vehicles. *These guidelines are met.*

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings:** Although the proposed oriel on the west facade exceeds the standard width limit for encroachments into the right-of-way, it meets all of the other code guide requirements, including those for wall area and separation from other projected floor area. As a special design element it is integrated into the facade composition by alignment with the recessed roof deck above and with the edge of the garage entry recess below. The use of orange paint color also marks it and other elements as contrasting one-off accents. *This guideline is met.*

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

**Findings:** Neither the rooftop nor its mechanical equipment will be visible from street level viewpoints. Because the building will be taller than most in the vicinity, private views of the rooftop will also be limited. At a distance and from a

few locations the stair and elevator overruns may come into view. Notwithstanding this low visibility of the roof, the proposed mechanical equipment is appropriate in size and location, and is deployed in an orderly manner. The roof is partially used to provide a common outdoor area for tenants. *This guideline is met.*

**C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building’s overall design concept. Use exterior lighting to highlight the building’s architecture, being sensitive to its impacts on the skyline at night.

**Findings:** The only exterior lighting proposed for the building will be provided by regularly-spaced, round, down-focused fixtures on the undersurface of the overhanging second floor and linear fixtures recessed at regular intervals into the ceiling of the wrap-around canopy at the corner of SE 10<sup>th</sup> and Ankeny. They will improve nighttime visibility on the adjacent sidewalks and mark important locations on the building without having any discernable effect on the skyline. *This guideline is met.*

## **(2) MODIFICATION REQUESTS (33.825)**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following modifications are requested:

#### **1. Modification of 33.266.310 C 1 a, for non-standard loading area.**

**Purpose:** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

**Findings:** As evidenced in the findings for guideline C1-1 above, allowing the single, internal loading space to temporarily occupy one of the drive aisles during limited hours will retain existing parking in the area and reduce loading impacts on the right-of-way, without serious negative impact on other garage users. The Bureau of Transportation has no objection to this arrangement. *This modification request meets the approval criteria.*

**2. Modification of 33.266.130 F 1 a, for parking area where moving a vehicle to allow exiting may be required, and part of drive aisle may sometimes be obstructed.**

**3. Modification 33.266.130 F 2, for some parking spaces narrowed by building columns.**

**Purpose:** The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

**Findings for 2 and 3:** As evidenced in the findings for guideline C1-1 above, because the number of spaces is quite limited and one of the two drive aisles will remain open when the non-standard loading space is in use, most vehicles should be able to enter or exit with care. Closing the loading stall to use during the busiest hours should also be helpful. In terms of parking space width, because the narrowing occurs toward the rear of the stalls it should not affect maneuvering adversely. The Bureau of Transportation has no objection to these arrangements. *These modification requests meet the approval criteria.*

**4. Modification 33.140.230, for less than standard ground floor windows on one facade.**

**Purpose:** In the EX zone, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

**Findings:** As evidenced in the findings for guidelines C8 and C9 above, when viewed as a totality the proposal exceeds the required amount of ground floor windows both in terms of area and length. The concentration of glazing along the south side of the building will take advantage of orientation to the sun and improve the quality of the newly created tenant spaces. The proposed garage door and flanking walls exhibit interesting textural qualities and a deep change in plane. They cannot be characterized as fortress-like or monotonous. *This modification request meets the approval criteria.*

### **(3) Oriel Window Exception**

The applicant is seeking an exception to section F. Width of the building code guide Window Projection into Public Right-of-Way (IBC/32/#1) - Standards for windows allowed to project into public right-of-way. The request is for an oriel window projecting

into the SE 10<sup>th</sup> Avenue right-of-way that exceeds the standard maximum width of 12'-0" width by 5'-2". Exceptions are allowed in Design Review.

**F. Width.** Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

**Findings:** The proposed oriel window projects only 8% of the wall area and its width is only 17% of the wall's length. As evidenced in the findings for guideline C10 above, the proposed oriel is well integrated into the facade composition. It functions as an accentuation rather than a significant use of public space. *This exception request meets the approval criteria.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed new building is thoughtfully designed, and it will add moderate-income residences and their accompanying vitality to an area near downtown that is well served by transportation infrastructure. The Design Review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines, modification criteria, and code guide requirements, and therefore warrants approval.

## STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff recommends approval of a new six story, mixed residential and commercial building in the Central Eastside subarea of the Central City Plan District;

Staff also recommends approval of modifications to the following sections of the Portland Zoning Code:

1. 33.266.310 C 1 a;
2. 33.266.130 F 1 a;
3. 33.266.130 F 2; and
4. 33.140.230.

Staff also recommends approval of an exception to section F. Width of the building code guide Window Projection into Public Right-of-Way (IBC/32/#1) - Standards for windows allowed to project into public right-of-way, for greater than standard maximum width.

Recommended approvals are per Exhibits C-1 through C-48, with the following standard condition of approval:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-48. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-211599 DZM. No field changes allowed."

=====

**Procedural Information.** The application for this land use review was submitted on October 1, 2013, and was determined to be complete on December 3, 2013.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 1, 2013.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, the 120 days will expire on May 2, 2014.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case.** This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

**Appeal of the decision.** The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if

you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

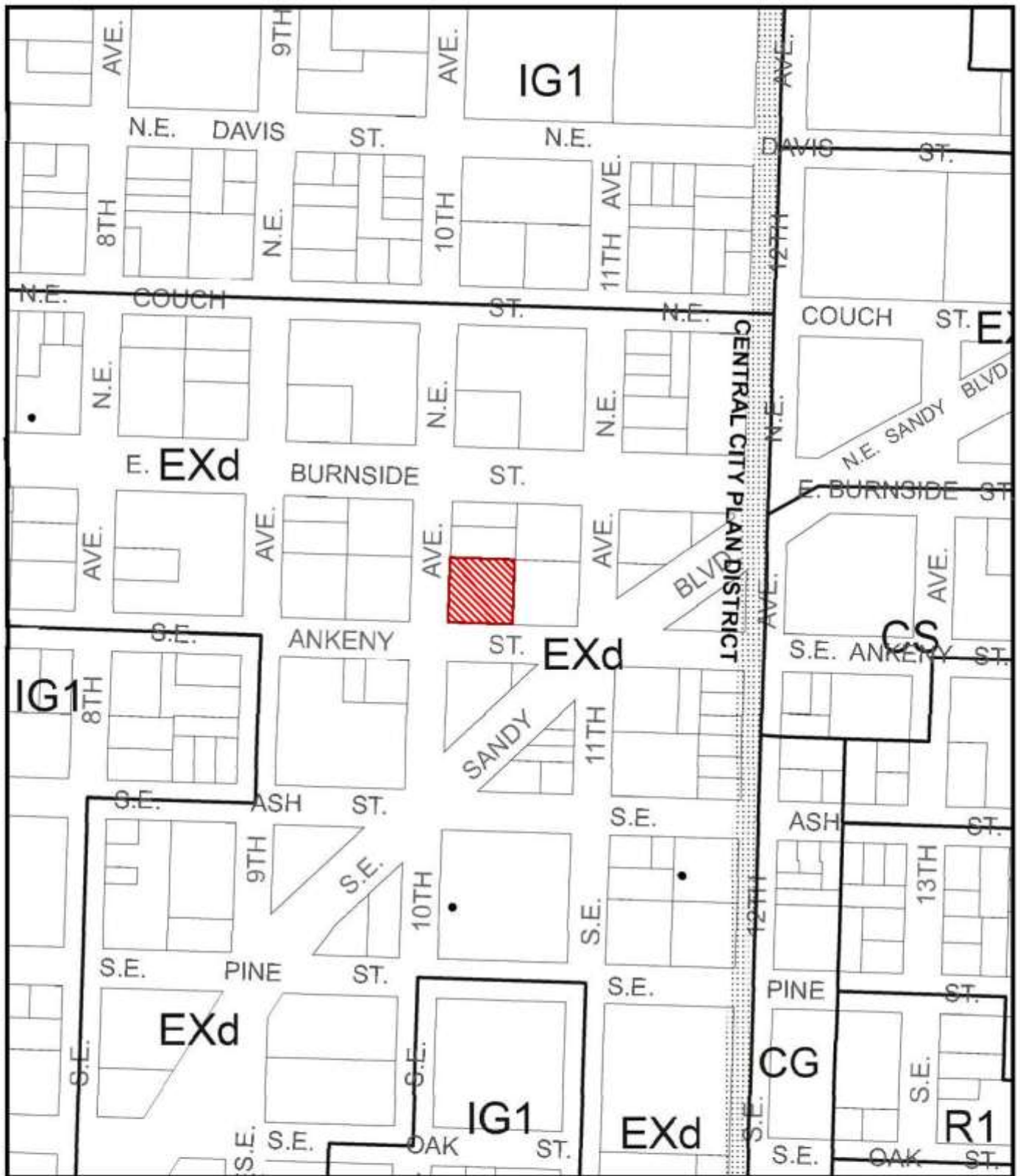
Dave Skilton  
January 14, 2014

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plan & Drawings
  1. Cover
  2. Plan Diagrams
  3. Wall Area Diagrams
  4. Utility Plan
  5. Grading Plan
  6. Landscaping
  7. Landscaping
  8. Site Plan/Level 1 Plan (attached)
  9. Level 2 Plan
  10. Level 3 Plan
  11. Level 4 Plan
  12. Level 5 Plan
  13. Level 6 Plan
  14. Roof Plan
  15. Level 1 Reflected Ceiling Plan
  16. West Elevation (attached)
  17. South Elevation (attached)
  18. East Elevation (attached)
  19. North Elevation (attached)
  20. Building Section
  21. Building Section
  22. Wall Sections
  23. Wall Sections
  24. Enlarged Elevation – Garage Entry
  25. Enlarged Elevation – Oriel
  26. Enlarged Elevation – Balcony
  27. Enlarged Elevation – Tenant Entry
  28. Enlarged Elevation – Light Well Wall
  29. Courtyard Details
  30. Details

31. Details
32. Details
33. Details
34. Details
35. Materials Schedule
36. Massing Diagram
37. Overall Perspective from Southwest (attached)
38. Overall Perspective from Northwest (attached)
39. Overall Birdseye Perspective from Northeast (attached)
40. Overall Perspective from Southeast (attached)
41. Ground Level Perspective from Southeast
42. Ground Level Perspective from Southwest
43. Overall Perspective from West
44. Overall Perspective from South
45. Fixture Information
46. Fixture Information
47. HVAC Unit Information
48. Garage Exhaust Vent Information
- D. Notification information:
  1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailed notice
  6. Mailing list
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation
  3. Water Bureau
  4. Site Development Review Section of the Bureau of Development Services
- F. Letters – none to date
- G. Original LUR Application
- H. Received After Start of Hearing:
  1. Staff Report
  2. Staff Presentation





# ZONING



Site



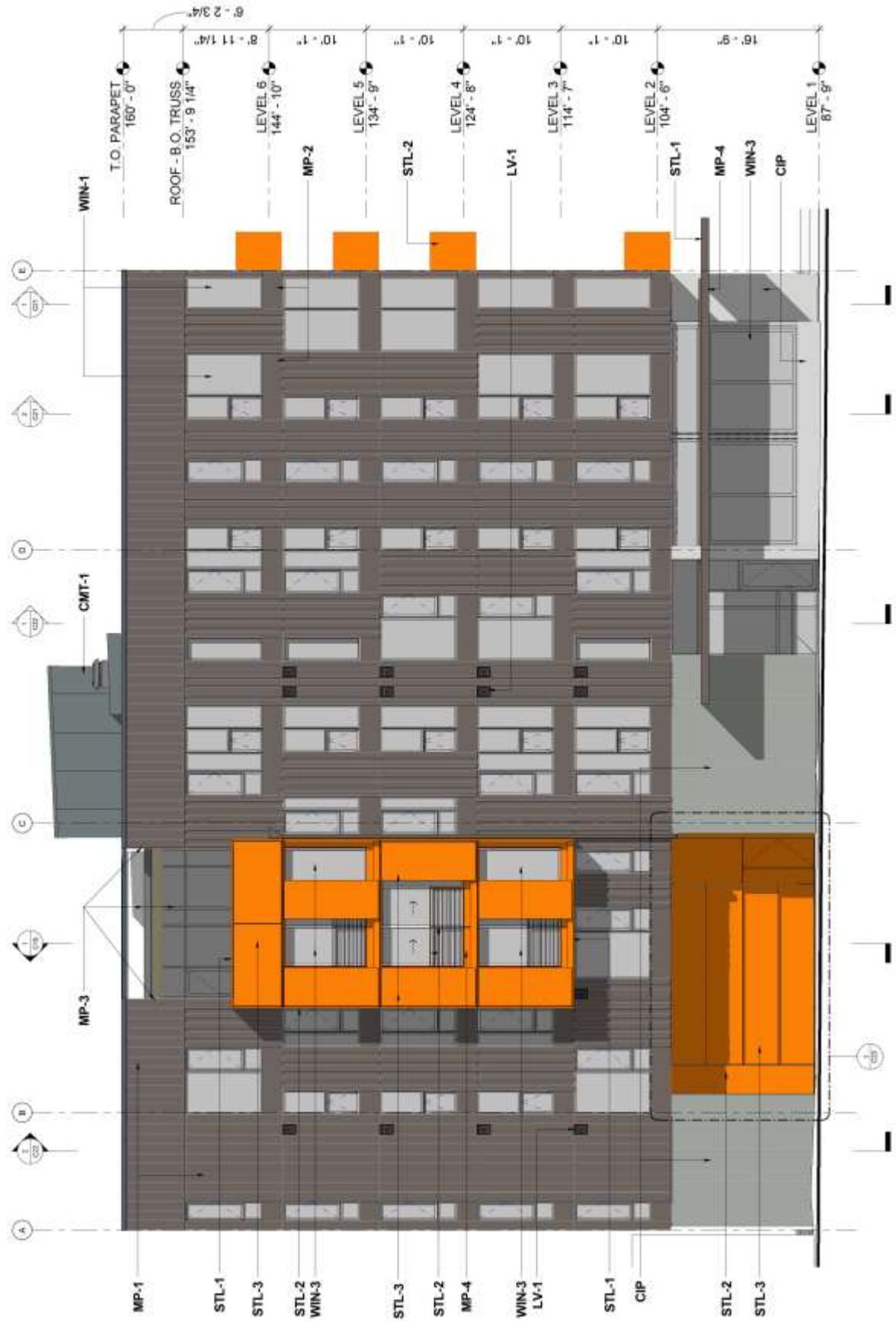
Historic Landmark



This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**CENTRAL EASTSIDE**

File No.	LU 13-211599 DZM
1/4 Section	3031
Scale	1 inch = 200 feet
State_Id	1N1E35CD 1200
Exhibit	B (Oct 03, 2013)

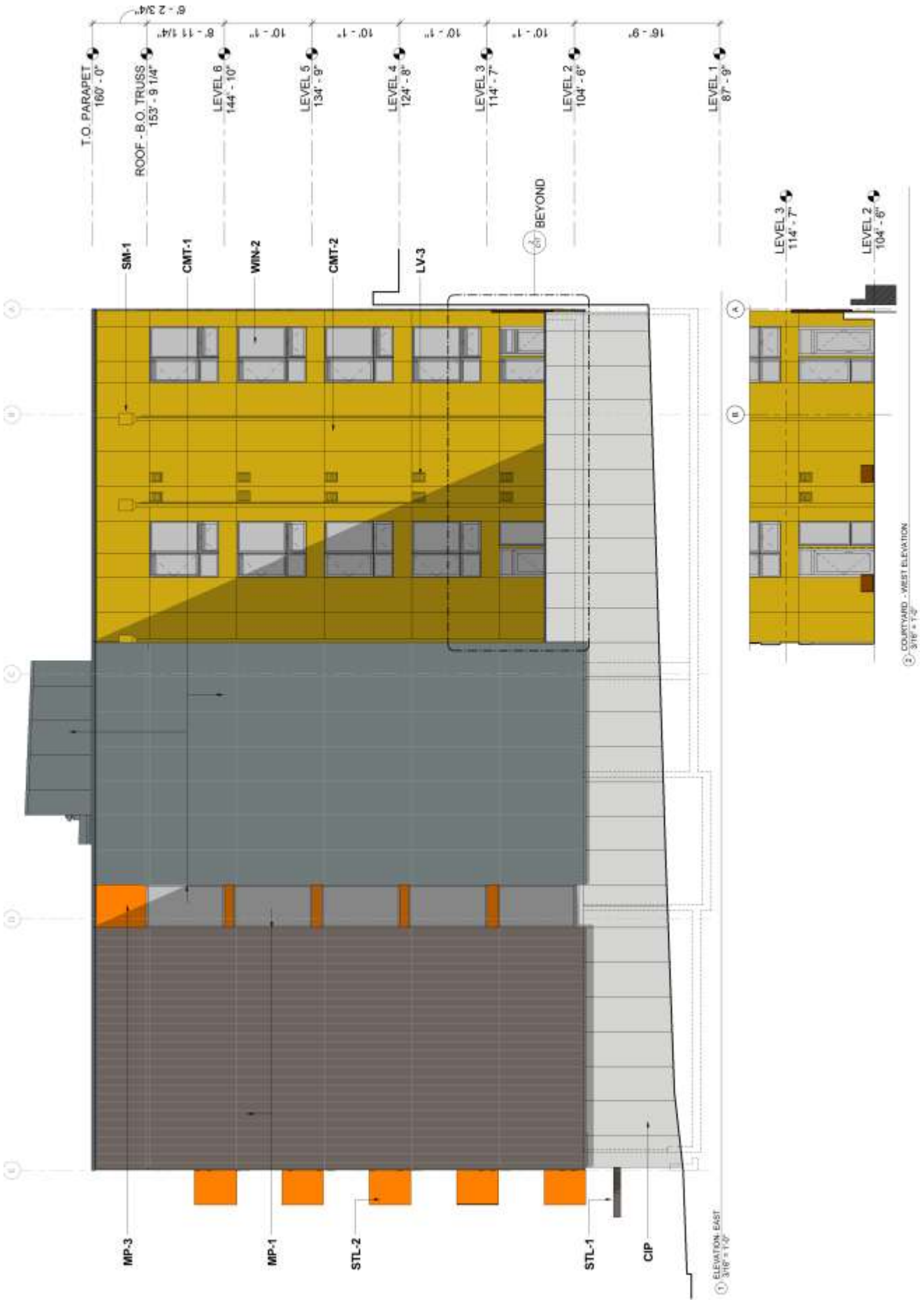




1 EXTERIOR ELEVATION - WEST  
 SCALE: 1/8" = 1'-0"



① ELEVATION - SOUTH  
 3/16" = 1'-0"



① COURTYARD - WEST ELEVATION  
 3/16" = 1'-0"



WALLACE CORLE  
 ARCHITECTS  
 711 N.W. ALLEN ST.  
 PORTLAND, OR 97209  
 P.O. BOX 1000  
 FAX: 503.222.2214  
 WWW.WALLACECORLE.COM

OWNER  
 LOWER BURNSIDE LOFTS  
 LLC

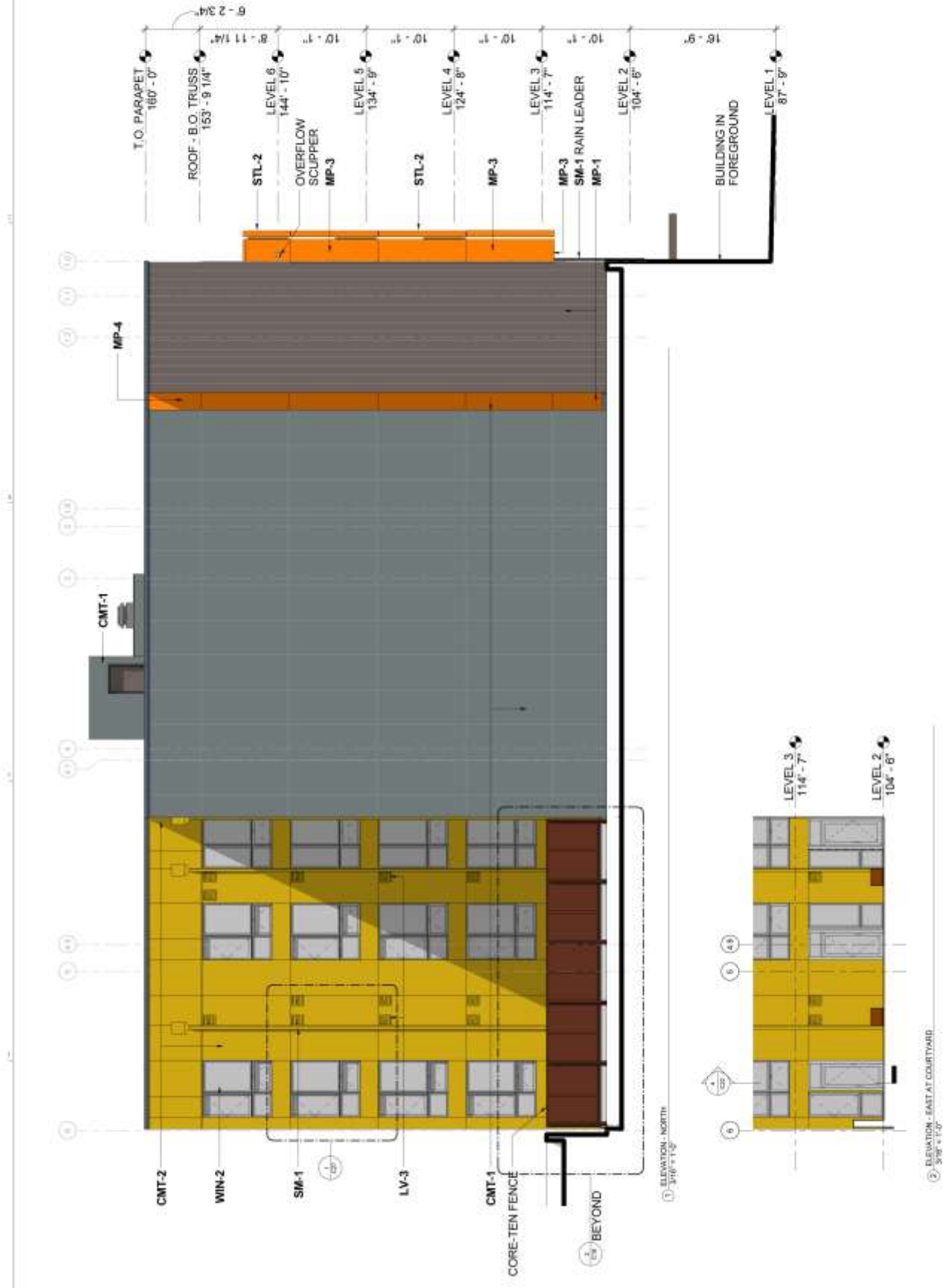
PROJECT NAME  
 LOWER BURNSIDE  
 LOFTS  
 3000 N.W.

ARCHITECT

DATE  
 FOR PERMIT 2/18/2011

DATE	1/20
DRAWN	ALMA
CHECKED	CHANG
STATUS	PERMIT

ELEVATION - NORTH  
 C18





**VALLASTER CORBL ARCHITECTS, PC**  
733 N.W. A ST. S.W.  
PORTLAND, OR 97208  
PHONE: 503.229.0371  
FAX: 503.229.0372  
WWW.VCARCHITECTS.COM

**OWNER:**  
LOWER BURNSIDE LOFTS  
LLC

**PROJECT NAME:**  
LOWER BURNSIDE  
LOFTS  
36 SE 15TH

**REVISIONS:**

**ISSUE DATES:**  
02/28/2014

JOB NO.	VS
000001	01
DESIGN:	ARJ
CONSTRUCT:	CHP
STATUS:	OPEN

**PERSPECTIVE**  
NW







VALLASTER COOK  
ARCHITECTS, PC  
711 N WILSON  
KENTONVILLE BOULEVARD  
CHICAGO, IL 60610  
PHONE: 312.228.2211  
FAX: 312.228.6314  
WWW.VCARCHITECTS.COM

OWNER:  
LOWER BURNSIDE LOFTS  
LLC

PROJECT NAME:  
LOWER BURNSIDE  
LOFTS  
CHICAGO, IL

PROVISIONS:

ISSUE DATE:  
EXHIBIT 02/09/2015

JOB NO.: 11  
DRAWN: AM  
CHECKED: CMH  
STATUS: REV

PERSPECTIVE  
NE

C38

5 ORIGINAL SHEET SET 027



VC

WALKER CORP.  
ARCHITECTS, PC  
711 S W ALDIN  
PORTLAND, OR 97205  
PHONE: 503.226.0311  
FAX: 503.226.0311  
WWW: 503.226.0311

OWNER:  
LOWER BURNSIDE LOFTS  
LLC

PROJECT NAME:  
LOWER BURNSIDE  
LOFTS  
3036 18TH

REVISIONS:

DATE CHANGES:  
FOR PERMIT 01.05.2016

JOB NO.: 1303  
DRAWN: AUBREY  
CHECKED: CHANAM  
SCALE: PERMIT

PERSPECTIVE -  
SE

C39

10/15/2015 10:45:00 AM

